



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,163	04/29/2005	Jacob Hendrik De Greef	01119.0013U1	2740

23859 7590 10/16/2006

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA, GA 30309-3915

EXAMINER

DEUBLE, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

3651

DATE MAILED: 10/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/518,163	Applicant(s) DE GREEF, JACOB HENDRIK	
	Examiner Mark A. Deuble	Art Unit 3651	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18, 20 and 21 is/are pending in the application.
 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-16, 18, 20 and 21 is/are rejected.
- 7) ☒ Claim(s) 6 and 17 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>4/29/05</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the V-belt, troughed belt, roller track of claim 12 and the water channel of claim 13 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it

Art Unit: 3651

pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, no means for stopping the rotation of the supporting bodies when the objects are positioned in the longitudinal direction of the supporting bodies is shown in the figures or described in the specification.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2, 4-9, 11, 14-16, 18, and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Reck et al. (U.S. Patent No. 2,919,787).

Reck shows a conveyor comprising a number of supporting rollers 207 arranged successively in an array on chain 196 with mounting means 205 so that they are rotated by a track 211. The rollers are elongate from sidewall to sidewall with a narrowed waist portion that extends over some distance and that is asymmetrical relative to the transporting direction so that they form diabolo like shapes with the center of the diabolo positioned eccentrically relative to the conveyor and the supporting body. The rollers form transporting positions for objects for transporting between two successive supporting bodies that are suitable for urging the objects into an elongate transverse position relative to the direction of movement. Objects are fed to the

Art Unit: 3651

conveyor by a rotating feed conveyor formed by flat belts 178-179. These belts may also be viewed as forming urging means for urging the objects in a longitudinal direction relative to the conveyor. The rollers will rotate to set the objects fed thereto into motion until so that they become positioned in the longitudinal direction of the supporting bodies. The rotation of the objects stops at the end of the rail 211 so that the rotation stops after they have become so positioned. Finally, it should be noted that the conveyor is part of an egg grading and sorting device. Thus Reck et al. shows all the structure required by claims 1-2, 4-9, 11, 14-16, and 18 and all the steps required by claims 20-21.

6. Claims 1-2 and 7-13 are rejected under 35 U.S.C. 102(b) as being anticipated by International document number WO 00/05159.

The '159 document shows a conveyor comprising a number of supporting rollers 11 arranged successively in an array with mounting means 13. The rollers are elongate from sidewall to sidewall with a narrowed waist portion so that they form diabolo like shapes. The rollers form transporting positions for objects for transporting between two successive supporting bodies that are suitable for urging the objects into an elongate transverse position relative to the direction of movement. Objects are fed to the conveyor by feed conveyor V-belts 14-17 that pass through a water channel (see Fig. 1). A means for urging the objects in a longitudinal direction relative to the conveyor is formed by rotating brushes 30 at the end of the feed conveyor. Thus the '159 document shows all the structure required by claims 1-2 and 7-13.

7. Claims 1-5, 7, 14-15, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Noffsinger (U.S. Patent No. 1,867,522).

Noffsinger shows a conveyor comprising a number of supporting rollers 10 arranged successively in an array on chain 14 with mounting means 13 so that they are rotated by a track 16. The rollers are elongate from sidewall to sidewall with narrowed waist portions that are asymmetrical relative to the transporting direction so that they form diabolo like shapes with the centers of the diabolo positioned eccentrically relative to the conveyor and the supporting body. The rollers are arranged in alternating orientation in the conveyor so that they form transporting positions for objects for transporting between two successive supporting bodies that are suitable for urging the objects into a transverse position relative to the direction of movement. Finally, it should be noted that the conveyor is part of picking and sorting table. Thus Noffsinger shows all the structure required by claims 1-5, 7, 14-15, and 18 and all the steps required by claim 20.

8. Claims 1-2, 7 and 20-21 are rejected under 35 U.S.C. 102(b) as being anticipated by European document number 0 230 583.

The '583 document shows a conveyor comprising a number of supporting rollers 14 arranged successively in an array on chains 16 with mounting means 48/50. The rollers are elongate from sidewall to sidewall with a narrowed waist portion so that they form diabolo like shapes. The rollers form transporting positions for objects for transporting between two successive supporting bodies that are suitable for urging the objects into an elongate transverse position relative to the direction of movement. The rollers are rotated by belts 54/60 to set the objects fed to the rollers into motion until so that they become positioned in the longitudinal direction of the supporting bodies. The rotation of the objects stops at the end of the belts 64/60 so that the rotation stops after they have become so positioned. Thus the '583 document shows all the structure required by claims 1-2 and 7 and all the steps required by claims 20-21.

Allowable Subject Matter

9. Claims 6 and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The cited prior art not discussed above show conveyor arrangements similar to that of the present invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark A. Deuble whose telephone number is (571) 272-6912. The examiner can normally be reached on Monday through Friday except for alternate Fridays.

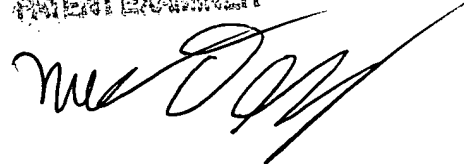
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3651

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

md

MAKING
PATENT EXAMINER

A handwritten signature in black ink, appearing to be 'M. D. J.', written over the stamp.